

REMARKS

This Response is submitted in reply to the Non-Final Office Action dated April 24, 2009, and in accordance with the telephone interview conducted on June 23, 2009. Claims 1, 12, 27 and 39 have been amended. No new matter was added by these amendments. Please charge Deposit Account No. 02-1818 for any fees due in connection with this Response.

The Office Action rejected Claims 1, 3 to 5, 9 to 12, 14 to 20, 27, 29 to 31, 34 to 36 and 39 to 43 under 35 U.S.C. § 103(a) as being unpatentable over United States Patent No. 6,309,300 to Glavich ("Glavich") in view of United States Patent No. 6,428,412 to Anderson et al. ("Anderson").

During the interview, Applicant's representative and the Examiner discussed Fig. 3 and Fig. 4A of the present application. After discussing these figures, the Examiner explained his interpretation of the following language in Claim 1 of the last-filed Response: "wherein one of the types of selection outcomes is a value and one of the types of selection outcomes is not a value, wherein for at least one of the selections, the type of selection outcome associated with the selection is based, at least in part, on the amount of credits wagered on each of the plurality of paylines in the base game." Specifically, the Examiner explained his interpretation in view of column 4, lines 44 to 52 of Glavich (generally described in the last Response), which state as follows:

Some or all of the N player-selectable items are associated with "associated items". A number of items may be associated with a selectable item and accordingly, associated items can include various prizes (which can be monetary prizes, non-monetary prizes such as additional plays of the main game, or other non-monetary prizes) additional bonusing picks, increasers such as multiplication factors, as described below, demerit values, as described below, and/or combinations of two or more such items.

The Examiner apparently reasons that because Glavich includes: (i) different types of items (e.g., monetary prizes and non-monetary prizes) that can be associated with the Glavich selections, and (ii) allegedly discloses the number of selections being based on a player's wager in a last base game, that Glavich discloses "for at least one of the selections, the type of selection outcome associated with the selection is based,

at least in part, on the amount of credits wagered on each of the plurality of paylines in the base game." Applicant respectfully disagrees with this broad interpretation. However, to expedite prosecution, Applicant has amended the claims for further clarity as Applicant's representative indicated during the interview.

Amended Claim 1, for example, includes the plurality of selections including: when a first amount of credits is wagered on each of a plurality of paylines in the base game, a first number of the selections associated with one of a plurality of different credit values and a second number of the selections associated with a type of selection outcome which is not a credit value, and when a second amount of credits, which is different than the first amount of credits, is wagered on each of the plurality of paylines in the base game, a third number of the selections associated with one of the plurality of different credit values and a fourth number of the selections associated with a type of selection outcome which is not a credit value, wherein the second number is different than the fourth number.

Amended Claim 12, for example, includes the plurality of player-selectable selections including: when a first amount of credits is wagered on each of a plurality of paylines in the base game, a first number of the selections associated with one of a plurality of different credit values and a second number of the selections associated with an activation of a symbol generator, and when a second amount of credits, which is different than the first amount of credits, is wagered on each of the plurality of paylines in the base game, a third number of the selections associated with one of the plurality of different credit values and a fourth number of the selections associated with the activation of the symbol generator, wherein the second number is different than the fourth number. Support for these amendments is found at least at Fig. 3 of the application and its related description.

As discussed during the interview, although Glavich discloses selections associated with different types of awards, Glavich does not render obvious numbers of the selections associated with different respective types of awards being based on an amount wagered on each of a plurality of paylines as presently claimed. Anderson does not remedy this. Accordingly, for at least these reasons, Applicant respectfully submits

that Claims 1, 3 to 5, 9 to 12, 14 to 20, 27, 29 to 31, 34 to 36 and 39 to 43 are patentable over the combination of Glavich and Anderson and in condition for allowance.

The Office Action rejected Claims 6 to 8, 21, 32, 33 and 44 under 35 U.S.C. § 103(a) as being unpatentable over Glavich and Anderson, and further in view of United States Patent No. 5,231,568 to Cohen et al. ("Cohen"). Applicant respectfully disagrees with these rejections. For at least the foregoing reasons, Applicant respectfully submits that Claims 6 to 8, 21, 32 to 33 and 44 are patentable over the combination of Glavich, Anderson and Cohen and in condition for allowance.

The Office Action rejected Claims 37, 38, 45 and 46 under 35 U.S.C. § 103(a) as being unpatentable over Glavich and Anderson, and further in view of United States Patent No. 5,855,514 to Kamille ("Kamille"). Applicant respectfully disagrees with these rejections. For at least the foregoing reasons, Applicant respectfully submits that Claims 37, 38, 45 and 46 are patentable over the combination of Glavich, Anderson and Kamille and in condition for allowance.

Applicant has made an earnest endeavor to place this application in condition for allowance and such allowance is courteously solicited. If the Examiner has any questions related to this Response, Applicant respectfully requests that the Examiner contact the undersigned.

Respectfully submitted,
K&L GATES LLP

BY 
Adam H. Masis
Reg. No. 35,602
Customer No. 29159

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